

SECTION 2: EXECUTIVE FUNCTIONS

2.1 Introduction

Functions will be 'executive' functions unless the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended say otherwise, or as otherwise indicated in this Constitution.

Pursuant to Section 15 of the Local Government Act 2000, the Leader may discharge any functions and exercise any powers which are the responsibility of the Executive. The Leader may also arrange for the discharge of any of those functions by the following: -

- (i) The Cabinet
- (ii) A member of the Cabinet
- (iii) A committee of the Cabinet
- (iv) An officer
- (v) Another Council
- (vi) Another organisation under joint arrangements

2.2 Need to act within the budget and policy framework

Executive responsibilities must be carried out within the Council's budget and policy framework. Proposals that go against the budget or policy framework must normally be agreed by Council. However, there is a procedure for urgent decisions outside the budget and policy framework (Part 4 - Budget and Policy Framework para. 4).

2.3 Need to follow the Constitution

Executive responsibilities must be carried out in a way that follows the Constitution. Special attention should be paid to the Financial Procedure Rules, Contract Procedure Rules and Access to Information Rules (see Part 4 of the Constitution).

ABOUT THE LEADER AND CABINET

2.4 Membership of the Cabinet

At Rushmoor Borough Council, the Cabinet consists of the Leader, Deputy Leader, and four other elected councillors. The Leader is appointed by Council. The Leader appoints the Deputy Leader and Cabinet Members (Portfolio Holders). The Cabinet will normally comprise Members of the majority Political Group, unless agreed otherwise by the Council. Members of the Cabinet cannot be the Mayor or Deputy Mayor or a member of the Overview and Scrutiny Committee.

2.5 **Term of Office of Leader**

The Leader will be a councillor elected to that position by the Council for the term of office agreed by the Council. The Leader will hold office until he or she:

- resigns from the office; or
- is no longer a councillor; or
- is removed from office by resolution of the Council (and the leader may not be removed from office except by such resolution); or
- has completed the term of office agreed by the Council.

On discontinuance of his or her appointment, he or she shall also cease to be Chair of the Cabinet.

In the event of there being a vacancy in the office of Leader, the Council shall elect a new Leader at its next ordinary meeting.

If the Council passes a resolution to remove the Leader, a new Leader shall be elected at the meeting at which the Leader is removed from office or at a subsequent meeting of the Council.

2.6 **Deputy Leader**

The Deputy Leader is appointed by the Leader. The Deputy Leader holds that office for as long as the Leader wants him or her to hold that position.

If the Leader is unable to act, the Deputy Leader may carry out the Leader's statutory functions (for example of appointing or removing Cabinet Members) but does not assume the position of Leader. If the Leader ceases to be the Leader, the Deputy Leader may act in his or her place until a new Leader is appointed by the full Council.

2.7 **Term of Office of Cabinet Members**

Other Cabinet Members shall hold office at the discretion of the Leader unless they resign from office or they are no longer councillors.

2.8 **Cabinet Meetings**

The Cabinet takes decisions collectively at Cabinet meetings. Cabinet Meetings follow the Cabinet Procedure Rules set out in Part 4 of this Constitution.

2.9 **Delegation by the Cabinet**

The Cabinet can delegate any of its functions to a committee of the Cabinet or officer of the Council.

When taking a decision, the Cabinet may expressly delegate more specific operational decisions to one (or a group of) Cabinet portfolio holders.

2.10 **Cabinet Portfolios**

Each Cabinet Member has responsibility for a range of Council activities, which are called Portfolios. These are determined by the Leader.

Details about current Portfolio responsibilities can be found in Appendix 1 of Section 3 (Scheme of Delegation – Executive Matters).

Cabinet Members can make decisions individually for their Portfolio area in accordance with the arrangements set out in the Cabinet and Leader’s Scheme of Delegation in Section 3. However, these decisions must be in accordance with the budget and plans in the Policy Framework, all of which have been agreed by the full Council.

Areas of responsibility that are not allocated to a Cabinet Member in the schedule of portfolio responsibilities or the Cabinet and Leader’s Scheme of Delegation, may be allocated to a Cabinet Member by the Leader.

2.11 **Shadow Portfolios**

Shadow Portfolio Holders may be appointed by the Leader of the primary Opposition Group to shadow, or mirror, the positions of the Cabinet Portfolio Holders and their areas of defined responsibility.

Shadow Portfolio Holders are responsible for familiarising themselves with the specialist areas of the Council’s work within the Portfolio area they shadow, and to support the effective challenge and scrutiny of the Cabinet and relevant Portfolio Holder.